

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIA DANCY-STEWART as  
Administratrix of the Estate of EVELINE  
BARROS-CEPEDA,  
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY  
OF BOSTON,  
Defendants.

**DEFENDANTS CITY OF BOSTON'S AND THOMAS TAYLOR'S EMERGENCY  
MOTION FOR CONTEMPT AGAINST NONPARTY WITNESSES FOR FAILURE TO  
OBEY DEPOSITION SUBPOENAS AND THIS COURT'S ORDER COMPELLING  
THEIR DEPOSITION ATTENDANCE pursuant to fed. R. civ. P. 45(f)**

Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), move, pursuant to Fed. R. Civ. P. 45(f), this Honorable Court to hold in contempt several nonparty witnesses, Maria DaRosa and Carlos Fernandes who failed to appear at their scheduled depositions despite service of their deposition subpoenas and this Court's December 27, 2007 Order compelling their deposition attendance.

In further support of said motion, the Defendants attach the accompanying Memorandum of Law.

*WHEREFORE:* The Defendants City of Boston and Thomas Taylor, Jr. respectfully requests that this Honorable Court allow their motion.

Respectfully submitted,  
DEFENDANTS, THOMAS TAYLOR, JR.  
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

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**CERTIFICATE OF SERVICE**

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing, email, facsimile and by postage prepaid, first class, U.S. Mail.

1/31/08      /s/ Helen G. Litsas

Date      Helen G. Litsas

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendants Thomas Taylor and City of Boston's Motion For Contempt*, and we were unable to narrow the issues.

1/31/08          /s/ Helen G. Litsas

Date          Helen G. Litsas